

## **RESOLUTION NO. 2269**

A RESOLUTION GRANTING AN EXEMPTION FROM COMPETITIVE BIDDING FOR CONSTRUCTION OF THE SEQUOIA CROSSINGS AFFORDABLE HOUSING PROJECT BY MEANS OF A CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CMGC) AND AUTHORIZING SELECTION BY REQUEST FOR PROPOSALS (RFP)

**WHEREAS**, the Commission of the Salem Housing Authority acts as the Local Contract Review Board for the Housing Authority of the City of Salem (SHA) pursuant to ORS 279A.060 and Public Contracting Rules (PCR) 1.3; and

**WHEREAS**, ORS 279C.335(2) and PCR 9.7 authorize the Local Contract Review Board to exempt a public improvement contract or a class of public improvement contracts from competitive bidding requirements upon the adoption of certain written findings after a public hearing; and

**WHEREAS**, the SHA has adopted its own PCR pursuant to Oregon Revised Statutes (ORS) 279A.065; and

**WHEREAS**, PCR 10.2 authorizes an alternative form of procurement known as the CM/GC contract; and

**WHEREAS**, a CM/GC contract may be authorized if certain types of benefits resulting from its use are reasonably demonstrated; and

**WHEREAS**, one primary goal of the SHA, is to provide more affordable housing in the city; and

**WHEREAS**, SHA is seeking to construct affordable housing units on a single site owned by the SHA; and

**WHEREAS**, construction of the affordable housing units will be financed using Federal Low Income Housing Tax Credits (LIHTC), grants, and private debt financing; and

**WHEREAS**, pursuant to ORS 279C.335(5) and PCR 9.7(c), the SHA published notice of the December 07, 2020 public hearing on the draft findings in the *Daily Journal of Commerce*, a trade newspaper of general statewide circulation, on November 20, 2020, which date is not less than fourteen days prior to the public hearing;

**WHEREAS**, the Local Contract Review Board held the duly advertised public hearing on December 07, 2020; and

**WHEREAS**, the Commission determines that the Sequoia Crossings project should be constructed by CM/GC.

NOW, THEREFORE, THE COMMISSION OF THE HOUSING AUTHORITY OF THE CITY OF SALEM, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD FOR THE HOUSING AUTHORITY OF THE CITY OF SALEM, OREGON, RESOLVES AS FOLLOWS:

**Section 1.** The Commission adopts the Findings set forth in Exhibit A to this Resolution.

**Section 2.** The exemption of the CM/GC contract from competitive bidding will promote competition and will not encourage favoritism, because the CM/GC will be chosen by a competitive RFP process, and the major portion of the construction work will be performed by subcontractors chosen by competitive bidding.

**Section 3.** The contract for construction of the Sequoia Crossing project by CM/GC is exempt from competitive bidding, and the CM/GC shall be selected by the RFP process in accordance with the SHA's public contracting rules and the process described in the Findings.

**Section 4. Effective Date.** This resolution is effective upon adoption.

ADOPTED by the Commission of the Housing Authority of the City of Salem, Oregon, Oregon, this 7th day of December 2020.

ATTEST:

Recording Secretary

Approved by City Attorney: \_\_\_\_\_

Checked by: N. Utz